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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,084	01/29/2002	Hideo Ando	218878US2S	2513
22850	7590	09/20/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRAN, THANG V	
			ART UNIT	PAPER NUMBER
			2653	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,084	ANDO ET AL.	
	Examiner Thang V. Tran	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 June 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-9 and 12-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 13 and 16 is/are allowed.
 6) Claim(s) 7-9, 12, 14, 15, 17-21 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

The amendment dated 06/27/05 has been considered with the following results:

Claim Rejections - 35 USC § 112

1. Claims 7-9, 12, 14, 15, 17, 19, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7:

It is unclear how limitations recited in claim 7 are structurally combined or incorporated in to claim 18. It is particularly unclear how the non-data portion δ defined in claim 7 and the non-data potion δ defined in claim 18 are structurally combined.

In claim 8:

The term “an information storage medium”, lines 1-2, should be changed to -- the information storage medium--.

Also, it is unclear how limitations recited in claim 8 are structurally combined or incorporated in to claim 19. It is particularly unclear how the non-data portion δ defined in claim 8 and the non-data potion δ defined in claim 19 are structurally combined.

In claim 9:

The term “an information storage medium”, lines 1-2, should be changed to -- the information storage medium--.

Also, it is unclear how limitations recited in claim 9 are structurally combined or incorporated in to claim 20. It is particularly unclear how the non-data portion δ defined in claim 9 and the non-data potion δ defined in claim 20 are structurally combined.

In claim 12:

The statement "wherein ...along a track", lines 1-4, is confusing and unclear. Applicant is suggested to delete this statement from the claim in order to make the claim clearer.

In claim 14:

It is unclear what performs the recording function as recited this claim and how it be structurally incorporate into the reproducing apparatus as recited claim 17 and relatively operated in combination. Note: Claim 17 is directed to a reproducing apparatus while claim 14 is directed to recording operation.

In claim 15:

The recitation "at one pair of neighboring tracks, wherein ... along that tracks", lines 2-5, is confusing and not clearly defined the structure of the recording medium. Did applicant intend to state that -- at least one pair of neighboring tracks formed on the information storage medium having a center of rotation, predetermined recording units formed along the tracks for continuously recording data, a non-data portion formed between the predetermined recording units being adjacent along the track--?

In claim 17:

The statement "wherein ... along that tracks", lines 2-5, is confusing and not clearly defined the structure of the recording medium. Did applicant intend to state that --having a center of rotation, tracks, recording units formed along the track for continuously recording data, a non-data portion formed between the predetermined recording units being adjacent along the track--?

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In claim 19:

The term “recording units”, lines 3, 6 and 13, should be changed to --predetermine recording units-- in order to provide an antecedent basis for the term “the predetermine recording units” recited in claim 8.

In claim 20:

The statement “wherein ... along that tracks”, lines 2-7, is confusing and not clearly defined the structure of the recording medium. Did applicant intend to state that --having a track, a wobbled groove formed along the track, predetermined recording units formed along the track for continuously recording data, a non-data portion δ formed between the predetermined recording units being adjacent along the track--?

In claim 21:

The statement “wherein ... along that tracks”, lines 2-4, is confusing and not clearly defined the structure of the recording medium. Did applicant intend to state that --having a center of rotation, tracks, recording units formed along the track for continuously recording data, a non-data portion formed between the predetermined recording units being adjacent along the track--?

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17, 20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Reno (US 5,566,150).

Reno, according to Figs. 1 and 5b, discloses an optical recording/reproducing apparatus (see Fig. 5) comprising: a motor (18) for rotating an information recording medium having recording units formed along a track for recording information; and a device (22, 30, 56) for reproducing the information from recording unit, as recited in claim 17 and 20. Reno also teaches the use of the device (22, 30, 56) for performing step reproducing information one of the neighboring tracks and performing step reproducing information from other one of the neighboring tracks (see column 10, lines 24-36). Note: No patentable weight is given to limitations provided in the preamble of claims 17, 20 and 22 because limitations in the preamble of claims 17, 20 and 22 have nothing structurally connected to the body of the claim 17, 20 and 22 respectively, or the body of claim 17, 20 or 22 does not depend on the preamble for the completeness but, instead, the structural body of claim 17, 20 and 22 is able to stand alone.

Allowable Subject Matter

4. Claims 13, 16 and 18 are allowed.
5. Claims 8, 12, 15 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. Claims 7 would be allowed with its parent claim 18 if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
7. Claims 9 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Cited References

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references related to an optical recording medium having a plurality of ECC blocks provided along a track as a recording units for recording data.

Response to Arguments

9. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thang V. Tran
Primary Examiner
Art Unit 2653